

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
HOBERT KEITH OWENS and) CASE NO. 07-20584 JPK
LISA M. OWENS,) Chapter 13
)
Debtors.)

ORDER DENYING MOTION

This Chapter 13 case was dismissed by an order entered by the Court on December 14, 2007. On December 25, 2007, the debtors, by counsel, filed a Motion to Extend Automatic Stay ("Motion"). The Motion acknowledges the dismissal of the case, and yet paragraph 4 of the Motion requests "that the Protection of Automatic Stay continue for the reason debtors intend to re-file the Chapter 13 Plan".

This is an incomprehensible motion. The order of dismissal of the case was a final order, and it may be affected by the initiation of an appeal [which the debtors have not effected within the time limitations provided by Fed.R.Bankr.P. 8002(a)]; by a motion to alter or amend the final judgment pursuant to Fed.R.Bankr.P. 9023/Fed.R.Civ.P. 59 [which the debtors have not effected within the time limitations provided by Fed.R.Civ.P. 59(b)]; or by a motion pursuant to Fed.R.Bankr.P. 24/Fed.R.Civ.P. 60 [a procedural mechanism which the Motion clearly is not]. The effect of dismissal of a case is generally provided by 11 U.S.C. § 349. The effect of dismissal with respect to 11 U.S.C. § 362(a) is provided for by 11 U.S.C. § 362(c). Because of the dismissal of the debtors' Chapter 13 case, the automatic stay in all respects has been lifted by operation of § 362(c). Because the case has been dismissed, this Court has no subject matter jurisdiction with respect to the relief requested by the Motion.

IT IS ORDERED that the Motion is denied.

Dated at Hammond, Indiana on January 3, 2008.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtors, Attorney for Debtors, Trustee, US Trustee